

Remarks/Arguments:

Claims 2 and 51-101 are pending in the above-identified application. Claims 1 and 3-50 have been cancelled. New claims 51-101 have been added.

Claims 1-50 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The rejection of claims 1 and 3-50 is moot due to the cancellation of these claims. Claim 2 has been appropriately amended. Withdrawal of the rejection is respectfully requested.

Claims 1-50 were rejected under 35 U.S.C. § 103 (a) as being obvious in view of JP2000-16384 to Takahashi. The rejection of claims 1 and 3-50 is moot due to the cancellation of these claims. Claim 2 is amended to recite features neither disclosed or suggested by the prior art, namely:

... an apparatus-side information holding unit for holding copyright processing information of the information processing apparatus;

a medium-side information acquiring unit for acquiring copyright processing information recorded on the recording medium;

a recording judgment unit for judging whether or not to record the content stored in the content holding unit based on the copyright processing information held by the apparatus-side information holding unit and the copyright processing information acquired by the medium-side information acquiring unit ...

Basis for the amendment to claim 1 may be found throughout the originally filed specification, and for example, at page 15, line 25 to page 16, line 22 and Fig. 5.

Applicants' exemplary embodiment includes content holding unit 205, content acquiring unit 206, content recording unit 207, apparatus-side information holding unit 501, medium-side information acquiring unit 502, and recording method decision unit 503 (recording judgment unit). (Page 15, line 27 to page 16, line 3).

Apparatus-side information holding unit 501 holds copyright processing information on the apparatus side. This copyright processing information corresponds to a copied or moved content. (Page 16, lines 4-6). Medium-side information acquiring unit 502 acquires copyright processing information recorded on the recording medium. Recording method decision unit 503

determines a recording method of a content based on the copyright processing information held by apparatus-side information holding unit 501 and the copyright processing information acquired by medium-side information acquiring unit 502.

When the recording apparatus in Applicants' exemplary embodiment determines that the recording medium holds the information, recording method decision unit 503 acquires copyright processing information on the apparatus side held by apparatus-side information holding unit 501. When there is a certain relation between the copyright processing information on the medium side and the copyright processing information on the apparatus side, recording method decision unit 503 copies content 2 to the recording medium. In this copy, content 2 is simply copied to the recording medium. When there is no certain relation between the copyright processing information on the medium side and that on the apparatus side, the copy of the content is not performed. (Page 18, lines 9-18). For example, in the case of music content, copy is OK for an entire content or NO copy is allowed for the entire content.

Takahashi discloses that when an unauthorized CD-R is set and the drive starts, an authorized signal judging device 10 judges it as an unauthorized disk and a notifying device 11 is initiated to notify a user whether or not the user agrees to bear a royalty. Further, when the user operates a copyright acceptance processing instruction device 12, an authorization signal writing device 13 operates to write the authorization signal in the CD-R. (Abstract and drawing 1). Takahashi does not disclose "... judging whether or not to record the content stored in the content holding unit based on the copyright processing information held by the apparatus-side information holding unit and the copyright processing information acquired by the medium-side information acquiring unit," as recited in claim 2.

Thus, Applicants respectfully submit that claim 2 is allowable over the art of record.

New claims 51-101 have been added. Basis for new claims 51-101 may be found throughout the originally filed specification, and for example, at page 6, line 23 to page 8, line 14; page 11, line 11 to page 12, line 2; page 15, line 27 to page 24, line 10; page 27, line 24 to page 29, line 15 and the accompanying figures.

Although not identical, claim 71 includes features similar to those of claim 2 and thus, is likewise allowable for at least the reasons set forth above with respect to claim 2.

Claims 52 and 72 include additional features to those of claim 2 that are patentable over the prior art, namely:

... the recording judgment unit compares the copyright processing level information recorded on the medium with the copyright processing information held by the apparatus-side information holding unit for permitting the content to be recorded on the medium when a value of the copyright processing information held by the apparatus-side information holding unit has a predetermined relation with a value of the copyright processing level information recorded in the recording medium.

For example, the copyright processing level information recorded on the medium may indicate that a society which manages music copyright has performed the copyright processing, and music data (e.g. WAV file) is recorded on the recording medium based on the copyright processing judging information and the copyright processing level. Data (e.g. movie content), other than the music data, is judged not to be copyright-processed and cannot be recorded on the recording medium. (Page 11, lines 11-18). Alternatively, the copyright processing level information may indicate that authorization from the music copyright society and the movie copyright society is issued, and the movie and the music can be recorded on the recording medium. That is, it may judged that copy is OK for only music on a certain recording medium or copy is OK for the entire content. (Page 11, line 26 to page 12, line 2).

In view of the foregoing amendments and remarks, Applicants submit that this Application is in condition for allowance which action is respectfully requested.

Respectfully submitted,



Jacques L. Etkowicz, Reg. No. 41,738
Attorney for Applicant

JLE/DFD/nm

Dated: March 12, 2008

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

NH228665